REMARKS

In the non-final Office Action, the Examiner rejects claims 21 and 22 under 35 U.S.C. § 101, as directed to a data structure that does not provide practical application in the technological arts; rejects claims 9, 20, 24-29, and 33-40 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejects claims 1-6, 8-12, 15-17, 19-21, 23-28, 30-34, 36-38, and 40 under 35 U.S.C. § 103(a) as unpatentable over ROBINSON (U.S. Patent No. 5,918,014) in view of CONKLIN et al. (U.S. Patent No. 6,363,378); and rejects claims 7, 13, 14, 18, 22, 29, 35, and 39 under 35 U.S.C. § 103(a) as unpatentable over ROBINSON in view of CONKLIN et al., and further in view of WEISSMAN (U.S. Patent No. 6,453,315). Applicants respectfully traverse these rejections.

By the present amendment, Applicants amend the specification to improve form. Applicants further cancel claims 3, 25, and 30 without prejudice or disclaimer and amend claims 1, 4, 6-11, 20, 21, 23, 26, and 31 to improve form. No new matter has been added by way of the present amendment. Claims 1, 2, 4-24, 26-29, and 31-40 remain pending.

INTERVIEW SUMMARY

In accordance with Applicants' duty to provide a statement of the substance of an interview, Applicants conducted telephone interviews with Examiner Mizrahi on February 8, 2006 and February 14, 2006. Applicants would like to thank Examiner Mizrahi for the courtesies extended during the telephone interviews. During those interviews, independent claims 1, 8-11, 20, 21, and 23 were discussed with respect to the outstanding 35 U.S.C. § 101 rejections and with respect to the references relied on in the 35 U.S.C. § 103(a) rejections. Moreover, a FORD et al. (U.S. Patent Application

Publication No. 2005/0289140) was discussed in relation to claims 1, 8-11, 20, 21, and 23. Applicants proposed claim language to place the present application in condition for allowance. The Examiner agreed that the claim changes, as reflected in the present response, appear to overcome the outstanding 35 U.S.C. § 101 rejection and patentably distinguishes over the art of record, including the FORD et al. document.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 21 and 22 stand rejected under 35 U.S.C. § 101, as allegedly directed to a data structure that does not provide practical application in the technological arts.

Although Applicants respectfully traverse this rejection, Applicants have amended independent claim 21 herein in an attempt to expedite prosecution. Applicants submit that claim 21 is now clearly directed to statutory subject matter.

Accordingly, Applicants request that the rejection of claim 21 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Since claim 22 depends from claim 21, this claim is also directed to statutory subject matter for at least the reasons given above with respect to claim 21.

Pending claims 9, 20, 24, 26-29, and 33-40 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

Although Applicants respectfully traverse this rejection, Applicants have amended independent claims 9 and 20 herein in an attempt to expedite prosecution. Applicants submit that claims 9 and 20 are now clearly directed to statutory subject matter.

Accordingly, Applicants request that the rejection of claims 9 and 20 under 35

U.S.C. § 101 be reconsidered and withdrawn.

Since claims 24 and 26-29, and 33-40 depend from claims 9 and 20, respectively, these claims are also directed to statutory subject matter for at least the reasons given above with respect to claims 9 and 20.

REJECTION UNDER 35 U.S.C. § 103(A) BASED ON ROBINSON AND CONKLIN ET AL.

Pending claims 1, 2, 4-6, 8-12, 15-17, 19-21, 23, 24, 26-28, 31-34, 36-38, and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ROBINSON in view of CONKLIN et al. Applicants respectfully traverse this rejection.

Amended independent claim 1 is directed to a method for providing search results. The method includes receiving a search query; retrieving one or more objects in response to the search query; automatically determining whether the search query corresponds to at least one query theme of a group of query themes; determining whether any of the one or more objects relates to a list of favored or non-favored sources; ranking the one or more objects based on a result of the determination of whether the search query corresponds to at least one query theme and the determination whether any of the one or more objects relates to the list of favored or non-favored sources; and providing the ranked one or more objects to a client. ROBINSON and CONKLIN et al. do not disclose or suggest this combination of features.

For example, ROBINSON and CONKLIN et al. do not disclose or suggest automatically determining whether a search query corresponds to at least one query theme of a group of query themes. The Examiner relies on col. 11, lines 26-44, of ROBINSON for allegedly disclosing this feature (Office Action, pg. 5). Applicants

respectfully disagree with the Examiner's interpretation of ROBINSON.

At col. 11, lines 26-44, ROBINSON discloses:

> To motivate the user to download this software, an incentive could be given. For instance, the user could be offered a great deal on an advertised productuor promised a number of such great deals in the future. In fact, users could even be paid to download the software.
>
> Tracking the user by means of software running on the user's machine which is of its own benefit to the user, separate from its tracking functionality.
>
> It would be best if users could be motivated to download the tracking software without being offered special deals or financial rewards. For this to be the case, the software has to provide some benefit of its own.
>
> One example of this would be a screensaver. Screensavers typically run all the time, although they only take over the screen when the user is inactive.
>
> A screensaver that had some desirable properties compared to other screensavers available in the marketplace, and that was inexpensive or free of charge, would be likely to be downloaded from the Web by quite a few users.

This section of ROBINSON discloses that free or inexpensive screensavers are likely to be downloaded by users. This section of ROBINSON in no way discloses or suggests automatically determining whether a search query corresponds to at least one query theme of a group of query themes. In fact, this section of ROBINSON does not relate to search queries.

The disclosure of CONKLIN et al. does not remedy the above deficiencies in the disclosure of ROBINSON.

ROBINSON and CONKLIN et al. do not further disclose determining whether any of the one or more objects relates to a list of favored or non-favored sources, as also recited in amended claim 1. This feature is similar to a feature previously recited in

claim 3. With respect to claim 3, the Examiner relies on col. 11, lines 5-10, col. 11, lines 41-44, col. 6, line 34, col. 2, lines 41-48 and 51-67, col. 3, lines 28-34, and cols. 4-9, of ROBINSON for allegedly disclosing this feature (Office Action, pg. 7). Applicants respectfully disagree with the Examiner's interpretation of ROBINSON.

At col. 11, lines 5-10, ROBINSON discloses:

> A Web browser could automatically open up a socket for communications with the central database. At intervals, it could send tracking information to the central database without any participation on the part of the user. This information could include, for example, the URL of each page visited and the amount of time spent there.

This section of ROBINSON discloses that a web browser can send tracking information to a central database. This section of ROBINSON does not disclose or suggest determining whether any of the one or more objects, retrieved in response to a search query, relates to a list of favored or non-favored sources, as required by amended claim 1.

At col. 11, lines 41-44, ROBINSON discloses:

> A screensaver that had some desirable properties compared to other screensavers available in the marketplace, and that was inexpensive or free of charge, would be likely to be downloaded from the Web by quite a few users.

This section of ROBINSON discloses that free or inexpensive screensavers are likely to be downloaded by users. This section of ROBINSON does not disclose or suggest determining whether any of the one or more objects, retrieved in response to a search query, relates to a list of favored or non-favored sources, as required by amended claim 1.

At col. 6, lines 32-35, ROBINSON discloses:

> There should optionally also be a way for the webmaster to visit the site that the banner will be linked to; this could be accomplished simply by hotlinking the banner to the site, just as will be the case for users.

This section of ROBINSON discloses hotlinking a banner to a web site. This section of ROBINSON does not disclose or suggest determining whether any of the one or more objects, retrieved in response to a search query, relates to a list of favored or non-favored sources, as required by amended claim 1.

At col. 2, lines 41-48 and 51-67, ROBINSON discloses:

> As another example, if the site is an entertainment recommendation service based on user-supplied ratings (Firefly at www.ffly.com is an example), the ratings can be used. One more example is the selection of Web ads each individual has chosen to click on. In one embodiment, there is a feature which allows individuals to indicate their disinterest in an ad; this serves as additional input.
>
> In one embodiment, this is accomplished by means of Netscape-style "cookies," which are stored on the consumer's hard disk under CGI control. In other embodiments, software running on the consumer's computer, such as an Netscape-style in-line plug-in, a screensaver working in conjunction with the Web browser, or the Web browser itself, is used to tie the data together.

These sections of ROBINSON disclose that the sites that an individual visits, which can be tracked with cookies, can be used to determine whether the individual should be in a specific community. These sections of ROBINSON do not disclose or suggest determining whether any of the one or more objects, retrieved in response to a search query, relates to a list of favored or non-favored sources, as required by amended claim 1.

At col. 3, lines 28-34, ROBINSON discloses:

> In one embodiment of the invention, special Web pages or sites are supplied which enable advertisers to specify specific specific sites they would like their ads to run on (or not run on); similarly, special Web pages or sites are supplied which enable Web site administrators to specify ads they would like to display or not display.

This section of ROBINSON discloses that advertisers can specify the web pages or sites

on which their ads should appear. This section of ROBINSON does not disclose or suggest determining whether any of the one or more objects, retrieved in response to a search query, relates to a list of favored or non-favored sources, as required by amended claim 1.

At cols. 4-9, ROBINSON discloses that smart ad boxes may be used for presenting advertising to users. This section of ROBINSON does not disclose or suggest determining whether any of the one or more objects, retrieved in response to a search query, relates to a list of favored or non-favored sources, as required by amended claim 1.

The disclosure of CONKLIN et al. does not remedy the above deficiencies in the disclosure of ROBINSON.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination.

Claims 2 and 4-6 depend from claim 1. Therefore, these claims are patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by ROBINSON et al. and CONKLIN et al.

For example, claim 4 recites determining a score for those objects that are unrelated to the list of favored and non-favored sources using a first group of parameters, determining a score for those objects that relate to the list of favored or non-favored sources using the first group of parameters and an editorial opinion parameter, and

ranking the objects based on the determined scores. Since, as set forth above with respect to claim 1, ROBINSON and CONKLIN et al. do not disclose or suggest favored and non-favored sources, ROBINSON and CONKLIN et al. cannot disclose or suggest the above features of claim 4.

For at least these additional reasons, Applicants submit that claim 4 is patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination.

Amended independent claims 8-10 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claims 8-10 are patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

Claims 24 and 26-28 depend from claim 9. Therefore, these claims are patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claims 31 and 32 depend from claim 10. Therefore, these claims are patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Amended independent claim 11 is directed to a method that includes developing one or more query themes; identifying, for each query theme, a first set of objects as favored objects; identifying, for each query theme, a second set of objects as non-favored objects; determining an editorial opinion parameter for each of the objects in the first and

second sets; automatically using the editorial opinion parameter, via a computer device, to alter a ranking of a list of objects retrieved in response to a query; and providing, via the computer device, the altered ranked list of objects to a client. ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

The Examiner does not address the above features in the Office Action. Instead, the Examiner alleges "[r]egarding Claims 8-12, 15-17, 19-21, 23-28, 30-34, 36-38 and 40 these are similar in scope to the rejected claims above and are therefore rejected as set forth above" (Office Action, pg. 9). Applicants note, however, that claims 1-6, which are addressed in the Office Action, do not contain many of the features recited in claim 11. For example, Applicants' claims 1-6 do not recite developing one or more query themes; identifying, for each query theme, a first set of objects as favored objects; identifying, for each query theme, a second set of objects as non-favored objects; and determining an editorial opinion parameter for each of the objects in the first and second sets, as required by claim 11. Thus, a *prima facie* case of obviousness has not been established with respect to claim 11.

Nevertheless, Applicants submit that the disclosures of ROBINSON and CONKLIN et al. are completely silent with respect to the above features of claim 11.

For at least the foregoing reasons, Applicants submit that claim 11 is patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination.

Claims 12, 15-17, and 19 depend from claim 11. Therefore, these claims are

patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 11.

Amended independent claims 20 and 21 recite features similar to (yet possibly of different scope than) features described above with respect to claim 11. Therefore, Applicants submit that claims 20 and 21 are patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 11.

Claims 33, 34, 36-38, and 40 depend from claim 20. Therefore, these claims are patentable over ROBINSON and CONKLIN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20.

Claims 7, 13, 14, 18, 22, 29, 35, and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ROBINSON in view of CONKLIN et al., and further in view of WEISSMAN. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. The disclosure of WEISSMAN does not remedy the deficiencies in the disclosures of ROBINSON and CONKLIN et al. set forth above with respect to claim 1. Therefore, claim 7 is patentable over ROBINSON, CONKLIN et al., and WEISSMAN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 13, 14, and 18 depend from claim 11. The disclosure of WEISSMAN does not remedy the deficiencies in the disclosures of ROBINSON and CONKLIN et al. set forth above with respect to claim 11. Therefore, claims 13, 14, and 18 are patentable over ROBINSON, CONKLIN et al., and WEISSMAN, whether taken alone or in any

reasonable combination, for at least the reasons given above with respect to claim 11.

Claim 22 depends from claim 21. The disclosure of WEISSMAN does not remedy the deficiencies in the disclosures of ROBINSON and CONKLIN et al. set forth above with respect to claim 21. Therefore, claim 22 is patentable over ROBINSON, CONKLIN et al., and WEISSMAN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 21.

Claim 29 depends from claim 9. The disclosure of WEISSMAN does not remedy the deficiencies in the disclosures of ROBINSON and CONKLIN et al. set forth above with respect to claim 9. Therefore, claim 29 is patentable over ROBINSON, CONKLIN et al., and WEISSMAN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claims 35 and 39 depend from claim 20. The disclosure of WEISSMAN does not remedy the deficiencies in the disclosures of ROBINSON and CONKLIN et al. set forth above with respect to claim 20. Therefore, claims 35 and 39 are patentable over ROBINSON, CONKLIN et al., and WEISSMAN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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